



INDUSTRIAL RELATIONS (DECLARED ORGANIZATIONS) AMENDMENT ACT 1992

No. 15 of 1992

SUMMARY OF PROVISIONS

Section

1. Short title
2. Commencement
3. Substitution of s. 89



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ELIZABETHAE II REGINAE

A.D. 1992

No. 15 of 1992

An Act to amend the Industrial Relations Act (S.A.) 1972.

[Assented to 23 April 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Industrial Relations (Declared Organizations) Amendment Act 1992*.

(2) The *Industrial Relations Act (S.A.) 1972* is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Substitution of s. 89

3. Section 89 of the principal Act is repealed and the following section is substituted:

Non-application of certain awards

89. (1) This section applies to a person—

- (a) with a disability that is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments;
- (b) for whom competitive employment at ordinary rates of pay is unlikely;
- (c) who, because of his or her disability, needs substantial ongoing support to obtain or retain paid employment;

and

- (d) who is being assisted or trained in or by an organization or body that provides employment services to disabled workers declared by proclamation as being within the ambit of this section.

(2) Notwithstanding any other provision of this Act (but subject to this section), no award applies to or in relation to work performed by a person to whom this section applies.

(3) Subsection (2) does not apply to an award (if any) that makes specific provision in relation to persons (or classes of persons) to whom this section applies.

(4) The regulations may prescribe matters that cannot be the subject of an award under subsection (3).

(5) A regulation under subsection (4) may—

(a) be of general or limited application;

and

(b) make different provision according to prescribed circumstances.

(6) The Governor may, by proclamation—

(a) declare an organization or body as being within the ambit of this section;

(b) vary or revoke any such declaration.

(7) A declaration under this section—

(a) may be limited in its operation to a period specified in the proclamation;

and

(b) may provide that the declaration is made on such conditions as the Governor thinks fit and specifies in the proclamation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor